

House File 478 - Introduced

HOUSE FILE 478

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A BILL FOR

1 An Act relating to state and county responsibilities for
2 adult mental health, mental retardation, and developmental
3 disabilities services and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MENTAL HEALTH COMMITMENT AND FACILITY COSTS

Section 1. Section 218.44, Code 2011, is amended to read as follows:

218.44 Wages paid to dependent — deposits.

If ~~such wage be~~ wages are paid to a resident, the administrator in control of ~~such the~~ the institution in which the resident is placed may pay all or any part of the ~~same~~ wages directly to any dependent of ~~such the~~ the resident, ~~or may~~ deposit ~~such the~~ the wage to the account of ~~such the~~ the resident, ~~or may so~~ deposit part ~~thereof of the wage~~ and allow the resident a ~~portion part~~ part for the resident's own personal use, or ~~may~~ pay to the ~~county of commitment state~~ state all or any part of the resident's care, treatment, or subsistence while at ~~said the~~ the institution from any credit balance accruing to the account of ~~said the~~ the resident.

Sec. 2. Section 218.99, Code 2011, is amended to read as follows:

218.99 Counties Department to be notified of patients' personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction ~~which is mentioned in section 331.424, subsection 1, paragraph "a", subparagraphs (1) and (2), and for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's central point of coordination process~~ to quarterly inform the department of human services of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the ~~entity designated to perform the county's central point of coordination process~~ department at least fifteen days before the release of funds in excess of two hundred dollars

1 or upon the death of the patient or resident. ~~If the patient~~
2 ~~or resident has no county of legal settlement, notice shall be~~
3 ~~made to the director of human services and the administrator in~~
4 ~~control of the institution involved.~~

5 Sec. 3. Section 226.9C, subsection 1, paragraph a, Code
6 2011, is amended to read as follows:

7 a. Moneys received by the state from billings to counties
8 ~~under section 230.20.~~

9 Sec. 4. Section 226.45, Code 2011, is amended to read as
10 follows:

11 **226.45 Reimbursement to county or state.**

12 If a patient is not receiving medical assistance under
13 chapter 249A and the amount to the account of any patient
14 in the patients' personal deposit fund exceeds two hundred
15 dollars, the business manager of the hospital may apply any of
16 the excess to reimburse the county of legal settlement or the
17 ~~state in a case where no legal settlement exists,~~ as applicable
18 as provided by section 230.1, for liability incurred by the
19 county or the state for the payment of care, support, and
20 maintenance of the patient, ~~when billed by the county of legal~~
21 ~~settlement or by the administrator for a patient having no~~
22 legal settlement at the state mental health institute.

23 Sec. 5. Section 230.1, Code 2011, is amended to read as
24 follows:

25 **230.1 Liability of county and state.**

26 1. The necessary and legal costs and expenses attending
27 the taking into custody, care, investigation, admission,
28 commitment, and support of a person resident of this state
29 with mental illness admitted or committed to a federal, state,
30 county, or private hospital or facility on or after July 1,
31 2012, shall be paid ~~by a county or by the state.~~ as follows:

32 a. ~~By the county in which such person has a legal~~
33 ~~settlement, if the person is eighteen years of age or older.~~

34 b. ~~By the state when such person has no legal settlement in~~
35 ~~this state, when the person's legal settlement is unknown, or~~

1 ~~if the person is under eighteen years of age.~~

2 2. ~~The legal settlement of any person found mentally ill who~~
 3 ~~is a patient of any state institution shall be that existing~~
 4 ~~at the time of admission thereto. The necessary and legal~~
 5 ~~costs and expenses attending the taking into custody, care,~~
 6 ~~investigation, admission, commitment, and support of a resident~~
 7 ~~of this state with mental illness admitted or committed to~~
 8 ~~a federal, state, county, or private hospital or facility~~
 9 ~~before July 1, 2012, which were incurred prior to July 1, 2012,~~
 10 ~~shall be paid by the state or a county in accordance with this~~
 11 ~~chapter, Code 2011, as applicable. Such costs and expenses~~
 12 ~~incurred on or after July 1, 2012, shall be paid by the state as~~
 13 ~~provided in subsection 1.~~

14 3. ~~A county of legal settlement is not liable for costs~~
 15 ~~and expenses associated with a person with mental illness~~
 16 ~~unless the costs and expenses are for services and other~~
 17 ~~support authorized for the person through the central point~~
 18 ~~of coordination process. For the purposes of this chapter,~~
 19 ~~"central point of coordination process" means the same as~~
 20 ~~defined in section 331.440.~~

21 Sec. 6. Section 230.15, unnumbered paragraph 1, Code 2011,
 22 is amended to read as follows:

23 A person with mental illness and a person legally liable
 24 for the person's support remain liable for the support of
 25 the person with mental illness as provided in this section.
 26 Persons legally liable for the support of a person with mental
 27 illness include the spouse of the person, any person bound
 28 by contract for support of the person, and, with respect to
 29 persons with mental illness under eighteen years of age only,
 30 the father and mother of the person. The county auditor,
 31 subject to the direction of the board of supervisors, shall
 32 enforce the obligation created in this section as to all
 33 sums advanced by the county. The liability to the state or
 34 county incurred by a person with mental illness or a person
 35 legally liable for the person's support under this section

1 is limited to an amount equal to one hundred percent of the
 2 cost of care and treatment of the person with mental illness
 3 at a state mental health institute for one hundred twenty days
 4 of hospitalization. This limit of liability may be reached
 5 by payment ~~of~~ equal to the cost of care and treatment of the
 6 person with mental illness subsequent to a single admission
 7 or multiple admissions to a state mental health institute or,
 8 if the person is not discharged as cured, subsequent to a
 9 single transfer or multiple transfers to a county care facility
 10 pursuant to section 227.11. If the person is discharged
 11 from a state mental health institute or other inpatient
 12 placement and the limit of liability has not been reached, the
 13 liability extends to costs provided for outpatient treatment.
 14 After reaching this limit of liability, a person with mental
 15 illness or a person legally liable for the person's support
 16 is liable to the state or county, as applicable, for the care
 17 and treatment of the person with mental illness at a state
 18 mental health institute or other inpatient placement, or, if
 19 transferred but not discharged as cured, at a county care
 20 facility or from an outpatient treatment provider in an amount
 21 not in excess of the average minimum cost of the maintenance
 22 of an individual who is physically and mentally healthy
 23 residing in the individual's own home, which standard shall
 24 be established and may from time to time be revised by the
 25 department of human services. A lien imposed by section 230.25
 26 shall not exceed the amount of the liability which may be
 27 incurred under this section on account of a person with mental
 28 illness.

29 Sec. 7. Section 230.16, Code 2011, is amended to read as
 30 follows:

31 **230.16 Presumption.**

32 In actions to enforce the liability imposed by section
 33 230.15, the certificate from the superintendent ~~to the~~ or the
 34 county auditor stating the sums charged in such cases, shall be
 35 presumptively correct.

1 Sec. 8. Section 230.17, Code 2011, is amended to read as
2 follows:

3 **230.17 Board or department may compromise lien.**

4 1. The board of supervisors is hereby empowered to may
5 compromise any and all liabilities to the county, created by
6 this chapter, when such compromise is deemed to be for the best
7 interests of the county.

8 2. The department of human services may compromise any and
9 all liabilities to the state created by this chapter, when such
10 compromise is deemed to be for the best interests of the state.

11 Sec. 9. Section 230.18, Code 2011, is amended to read as
12 follows:

13 **230.18 Expense in county or private hospitals.**

14 The estates of persons with mental illness who may be treated
15 or confined in any county hospital or home, or in any private
16 hospital or sanatorium, or receive outpatient services, and
17 the estates of persons legally bound for their support, shall
18 be liable to the county or state, as applicable, for the
19 reasonable cost of such support paid by the county or state.

20 Sec. 10. Section 230.20, subsections 1, 2, 3, 4, and 5, Code
21 2011, are amended by striking the subsections.

22 Sec. 11. Section 230.20, subsections 6, 7, and 8, Code 2011,
23 are amended to read as follows:

24 6. All or any reasonable portion of the charges incurred
25 for services provided to a patient, to the most recent date for
26 which the charges have been computed, may be paid at any time
27 by the patient or by any other person on the patient's behalf.
28 Any payment made by the patient or other person, and any
29 federal financial assistance received pursuant to Tit. XVIII or
30 XIX of the federal Social Security Act for services rendered
31 to a patient, shall be credited against the patient's account
32 ~~and, if the charges paid as described in this subsection have~~
33 ~~previously been billed to a county, reflected in the mental~~
34 ~~health institute's next general statement to that county.~~

35 7. A superintendent of a mental health institute may request

1 that the director of human services enter into a contract
2 with a person for the mental health institute to provide
3 consultation or treatment services or for fulfilling other
4 purposes which are consistent with the purposes stated in
5 section 226.1. The contract provisions shall include charges
6 which reflect the actual cost of providing the services or
7 fulfilling the other purposes. Any income from a contract
8 authorized under this subsection may be retained by the
9 mental health institute to defray the costs of providing the
10 services. ~~Except for a contract voluntarily entered into by a~~
11 ~~county under this subsection, the costs or income associated~~
12 ~~with a contract authorized under this subsection shall not~~
13 ~~be considered in computing charges and per diem costs in~~
14 ~~accordance with the provisions of subsections 1 through 6 of~~
15 ~~this section.~~

16 8. The department shall provide a county with information,
17 which is not otherwise confidential under law, in the
18 department's possession concerning a patient whose cost of
19 care provided outside a state mental health institute or other
20 inpatient setting is chargeable to the county, including but
21 not limited to the information specified in section 229.24,
22 subsection 3.

23 Sec. 12. Section 331.424A, subsection 2, Code 2011, is
24 amended to read as follows:

25 2. For the fiscal year beginning July 1, 1996, and
26 succeeding fiscal years, county revenues from taxes and other
27 sources designated for mental health, mental retardation,
28 and developmental disabilities services shall be credited
29 to the mental health, mental retardation, and developmental
30 disabilities services fund of the county. The board shall
31 make appropriations from the fund for payment of services
32 provided under the county management plan approved pursuant
33 to section 331.439. The county may pay for the services in
34 cooperation with other counties by pooling appropriations
35 from the fund with other counties or through county regional

1 entities including but not limited to the county's mental
2 health and developmental disabilities regional planning council
3 created pursuant to section 225C.18. The costs of placement,
4 treatment, or other service ordered under chapter 812 shall not
5 be paid from the fund.

6 Sec. 13. REPEAL. Sections 230.2, 230.3, 230.4, 230.5,
7 230.6, 230.9, 230.10, 230.11, 230.12, and 230.22, Code 2011,
8 are repealed.

9 Sec. 14. EFFECTIVE DATE. This division of this Act takes
10 effect July 1, 2012.

11 DIVISION II

12 STATE RESOURCE CENTERS

13 Sec. 15. Section 222.13, Code 2011, is amended to read as
14 follows:

15 **222.13 Voluntary admissions.**

16 1. If an adult person is believed to be a person with mental
17 retardation, the adult person or the adult person's guardian
18 ~~may submit a request through the central point of coordination~~
19 ~~process for the county board of supervisors to apply to the~~
20 superintendent of any state resource center for the voluntary
21 admission of the adult person either as an inpatient or an
22 outpatient of the resource center. ~~After determining the legal~~
23 ~~settlement of the adult person as provided by this chapter,~~
24 ~~the board of supervisors shall, on forms prescribed by the~~
25 ~~administrator, apply to the superintendent of the resource~~
26 ~~center in the district for the admission of the adult person to~~
27 ~~the resource center.~~ An application for admission to a special
28 unit of any adult person believed to be in need of any of the
29 services provided by the special unit under section 222.88 may
30 be made in the same manner, upon request of the adult person or
31 the adult person's guardian. The superintendent shall accept
32 the application providing a preadmission diagnostic evaluation,
33 ~~performed through the central point of coordination process,~~
34 confirms or establishes the need for admission, except that an
35 application may not be accepted if the institution does not

1 have adequate facilities available or if the acceptance will
2 result in an overcrowded condition.

3 2. If the resource center has no appropriate program for the
4 treatment of an adult or minor person with mental retardation
5 applying under this section or section 222.13A, the ~~board of~~
6 ~~supervisors~~ central point of coordination for the person's
7 county of residence shall arrange for the placement of the
8 person in any public or private facility within or without the
9 state, approved by the director of the department of human
10 services, which offers appropriate services for the person, ~~as~~
11 ~~determined through the central point of coordination process.~~

12 3. Upon ~~applying~~ application for admission of an
13 adult or minor person to a resource center, or a special
14 unit, or upon ~~arranging~~ arrangement for the placement of
15 the person in a public or private facility, the ~~board of~~
16 ~~supervisors~~ superintendent or the department shall make a
17 full investigation into the financial circumstances of that
18 person and those liable for that person's support under section
19 222.78 to determine whether or not any of them are able to pay
20 the expenses arising out of the admission of the person to a
21 resource center, special treatment unit, or public or private
22 facility. If the ~~board~~ superintendent or the department finds
23 that the person or those legally responsible for the person are
24 presently unable to pay the expenses, ~~the board shall direct~~
25 ~~that~~ the expenses shall be paid by the county department. The
26 ~~board~~ superintendent or the department may review ~~its~~ the
27 finding at any subsequent time while the person remains at the
28 resource center, or is otherwise receiving care or treatment
29 ~~for which this chapter obligates the county to pay.~~ If the
30 ~~board~~ superintendent or the department finds upon review that
31 the person or those legally responsible for the person are
32 presently able to pay the expenses, the finding shall apply
33 only to the charges incurred during the period beginning on the
34 date of the review and continuing thereafter, unless and until
35 the ~~board~~ superintendent or the department again changes ~~its~~

1 the finding. If the ~~board~~ superintendent or the department
 2 finds that the person or those legally responsible for the
 3 person are able to pay the expenses, the ~~board~~ superintendent
 4 or the department shall direct that the charges be so paid to
 5 the extent required by section 222.78, ~~and the county auditor~~
 6 ~~shall be responsible for the collection of the charges.~~

7 Sec. 16. Section 222.13A, subsections 1 and 2, Code 2011,
 8 are amended to read as follows:

9 1. If a minor is believed to be a person with mental
 10 retardation, the minor's parent, guardian, or custodian may
 11 ~~request the county board of supervisors to~~ apply for admission
 12 of the minor as a voluntary patient in a state resource center.
 13 If the resource center does not have appropriate services for
 14 the minor's treatment, the ~~board of supervisors~~ central point
 15 of coordination for the minor's county of residence may arrange
 16 for the admission of the minor in a public or private facility
 17 within or without the state, approved by the director of human
 18 services, which offers appropriate services for the minor's
 19 treatment.

20 2. Upon receipt of an application for voluntary admission
 21 of a minor, the ~~board of supervisors~~ state resource center
 22 shall provide for a preadmission diagnostic evaluation of the
 23 minor to confirm or establish the need for the admission.
 24 The preadmission diagnostic evaluation shall be performed by
 25 a person who meets the qualifications of a qualified mental
 26 retardation professional ~~who is designated through the central~~
 27 ~~point of coordination process.~~

28 Sec. 17. Section 222.31, subsection 1, paragraph b, Code
 29 2011, is amended to read as follows:

30 b. (1) Commit the person to the state resource center
 31 designated by the administrator to serve the county in which
 32 the hearing is being held, or to a special unit. The court
 33 shall, prior to issuing an order of commitment, request
 34 that a diagnostic evaluation of the person be made by the
 35 superintendent of the resource center or the special unit, or

1 the superintendent's qualified designee. The evaluation shall
 2 be conducted at a place as the superintendent may direct. The
 3 cost of the evaluation shall be defrayed by the ~~county of legal~~
 4 ~~settlement~~ department unless otherwise ordered by the court.
 5 The cost may be equal to but shall not exceed the actual cost
 6 of the evaluation. Persons referred by a court to a resource
 7 center or the special unit for diagnostic evaluation shall be
 8 considered as outpatients of the institution. ~~No~~ An order of
 9 commitment shall not be issued unless the superintendent of the
 10 institution recommends that the order be issued, and advises
 11 the court that adequate facilities for the care of the person
 12 are available at the state resource center.

13 (2) The court shall examine the report of the county
 14 attorney filed pursuant to section 222.13, and if the report
 15 shows that neither the person nor those liable for the person's
 16 support under section 222.78 are presently able to pay the
 17 charges rising out of the person's care in a resource center,
 18 or special treatment unit, shall enter an order stating that
 19 finding and directing that the charges be paid by the ~~person's~~
 20 ~~county of residence~~ department. The court may, upon request
 21 of the ~~board of supervisors~~ department, review its finding at
 22 any subsequent time while the person remains at the resource
 23 center, ~~or is otherwise receiving care or treatment for which~~
 24 ~~this chapter obligates the county to pay~~. If the court finds
 25 upon review that the person or those legally responsible for
 26 the person are presently able to pay the expenses, that finding
 27 shall apply only to the charges incurred during the period
 28 beginning on the date of the ~~board's~~ department's request for
 29 the review and continuing thereafter, unless and until the
 30 court again changes its finding. If the court finds that the
 31 person, or those liable for the person's support, are able
 32 to pay the charges, the court shall enter an order directing
 33 that the charges be so paid to the extent required by section
 34 222.78.

35 Sec. 18. Section 222.49, Code 2011, is amended to read as

1 follows:

2 **222.49 Costs paid.**

3 1. The Except as provided in subsection 2, the costs of
4 proceedings for placement of a person at a state resource
5 center shall be defrayed from the county treasury paid by the
6 department unless otherwise ordered by the court.

7 2. The costs of proceedings for placement of a person at a
8 state resource center which commenced prior to July 1, 2012,
9 shall be paid by the person's county of legal settlement unless
10 otherwise ordered by the court. Such costs shall be paid in
11 accordance with this chapter, Code 2011, as applicable.

12 3. When If the person alleged to be mentally retarded have
13 mental retardation is found not to be mentally retarded have
14 mental retardation, the court shall render judgment for such
15 costs against the person filing the petition except when the
16 petition is filed by order of court.

17 Sec. 19. Section 222.50, Code 2011, is amended to read as
18 follows:

19 **222.50 ~~County of legal settlement to pay~~ Payment**
20 **responsibility.**

21 1. When the Except as provided in subsection 2, if the costs
22 of proceedings for placement of a person at a state resource
23 center are not paid by the petitioner, the costs shall be paid
24 by the department.

25 2. If proceedings for placement of a person at a state
26 resource center commenced prior to July 1, 2012, and the
27 proceedings are were instituted in a county in which the person
28 who is alleged to have mental retardation was found resided but
29 which is not the county of legal settlement of the person, and
30 the costs are not taxed to the petitioner, the county which is
31 the legal settlement of the person shall, on presentation of
32 a properly itemized bill for such costs, repay the costs to
33 the former county. When If the person's legal settlement is
34 was outside the state or is unknown, the costs shall be paid
35 out of money in the state treasury not otherwise appropriated,

1 itemized on vouchers executed by the auditor of the county
2 which paid the costs, and approved by the administrator.

3 Sec. 20. Section 222.60, subsection 1, Code 2011, is amended
4 to read as follows:

5 1. All necessary and legal expenses for the cost of
6 admission or commitment or for the treatment, training,
7 instruction, care, habilitation, support and transportation
8 of persons with mental retardation, as provided for in the
9 county management plan provisions implemented pursuant to
10 section 331.439, subsection 1, in a state resource center, or
11 in a special unit, or any public or private facility within or
12 without the state, approved by the director of the department
13 of human services, shall be paid by either:

14 a. The county in which such person has legal settlement as
15 defined in section 252.16, when the person received services at
16 a state resource center prior to July 1, 2012. Such expenses
17 relating to services received at a state resource center prior
18 to July 1, 2012, shall be paid in accordance with this chapter,
19 Code 2011, as applicable.

20 b. The state when such person has no legal settlement or
21 when such settlement is unknown, or when the person receives
22 services at a state resource center on or after July 1, 2012.

23 Sec. 21. Section 222.63, Code 2011, is amended to read as
24 follows:

25 **222.63 Finding of settlement — objection.**

26 A If payment for a person's necessary and legal expenses
27 is a county responsibility under section 222.60, a board of
28 supervisors' certification utilizing the central point of
29 coordination process that a the person's legal settlement is in
30 another county shall be sent by the board of supervisors to the
31 auditor of the county of legal settlement. The certification
32 shall be accompanied by a copy of the evidence supporting the
33 determination. The auditor of the county of legal settlement
34 shall submit the certification to the board of supervisors of
35 the auditor's county and it shall be conclusively presumed

1 that the patient has a legal settlement in that county unless
2 that county disputes the determination of legal settlement as
3 provided in section 225C.8.

4 Sec. 22. Section 222.64, Code 2011, is amended to read as
5 follows:

6 **222.64 ~~Foreign state or country or unknown~~ State case legal**
7 **settlement.**

8 If the legal settlement of the person is determined by the
9 board of supervisors through the central point of coordination
10 process to be ~~in a foreign state or country or is determined~~
11 ~~to be unknown~~ responsibility under section 222.60, the
12 board of supervisors shall certify the determination to the
13 administrator. The certification shall be accompanied by a
14 copy of the evidence supporting the determination. The care of
15 the person shall be as arranged by the board of supervisors or
16 by an order as the court may enter. Application for admission
17 or order of commitment may be made pending investigation by the
18 administrator.

19 Sec. 23. Section 222.70, Code 2011, is amended to read as
20 follows:

21 **222.70 Legal settlement disputes.**

22 If a dispute arises between counties ~~or between the~~
23 ~~department and a county~~ as to the legal settlement of a person
24 admitted or committed to a ~~resource center, a special unit, or~~
25 a community-based service, the dispute shall be resolved as
26 provided in section 225C.8.

27 Sec. 24. Section 222.78, Code 2011, is amended to read as
28 follows:

29 **222.78 Parents and others liable for support.**

30 The father and mother of any patient admitted or committed to
31 a resource center or to a special unit, as either an inpatient
32 or an outpatient, and any person, firm, or corporation bound
33 by contract made for support of the patient are liable for the
34 support of the patient. The patient and those legally bound
35 for the support of the patient shall be liable to the county

1 for all sums advanced by the county ~~to~~ or the state under the
 2 provisions of sections 222.60 and 222.77. The liability of
 3 any person, other than the patient, who is legally bound for
 4 the support of a patient who is under eighteen years of age
 5 in a resource center or a special unit shall not exceed the
 6 average minimum cost of the care of a normally intelligent
 7 minor without a disability of the same age and sex as the
 8 minor patient. The administrator shall establish the scale
 9 for this purpose but the scale shall not exceed the standards
 10 for personal allowances established by the state division
 11 under the family investment program. The father or mother
 12 shall incur liability only during any period when the father
 13 or mother either individually or jointly receive a net income
 14 from whatever source, commensurate with that upon which they
 15 would be liable to make an income tax payment to this state.
 16 The father or mother of a patient shall not be liable for the
 17 support of the patient upon the patient attaining eighteen
 18 years of age. Nothing in this section shall be construed to
 19 prevent a relative or other person from voluntarily paying the
 20 full actual cost as established by the administrator for caring
 21 for the patient with mental retardation.

22 Sec. 25. Section 222.79, Code 2011, is amended to read as
 23 follows:

24 **222.79 Certification statement presumed correct.**

25 In actions to enforce the liability imposed by section
 26 222.78, ~~the~~ a certification statement ~~sent~~ from the
 27 superintendent ~~to the county auditor pursuant to section 222.74~~
 28 stating the sums charged in such cases shall be considered to
 29 be presumptively correct.

30 Sec. 26. Section 222.86, Code 2011, is amended to read as
 31 follows:

32 **222.86 Payment for care from fund.**

33 If a patient is not receiving medical assistance under
 34 chapter 249A and the amount in the account of any patient
 35 in the patients' personal deposit fund established pursuant

1 to section 222.84 exceeds two hundred dollars, the business
 2 manager of the resource center or special unit may apply
 3 any amount of the excess to reimburse the county of legal
 4 settlement or the state in a case where no legal settlement
 5 exists, as applicable in accordance with section 222.60, for
 6 liability incurred by the county or the state for the payment
 7 of care, support, and maintenance of the patient, when billed
 8 by the county of legal settlement or by the administrator for a
 9 patient having no legal settlement at a state resource center.

10 Sec. 27. Section 222.92, subsection 1, Code 2011, is amended
 11 to read as follows:

12 1. The department shall operate the state resource centers
 13 on the basis of net appropriations from the general fund of
 14 the state. The appropriation amounts shall be the net amounts
 15 of state moneys projected to be needed for the state resource
 16 centers for the fiscal year of the appropriations. The purpose
 17 of utilizing net appropriations is to encourage the state
 18 resource centers to operate with increased self-sufficiency, to
 19 improve quality and efficiency, and to support collaborative
 20 efforts between the state resource centers and counties and
 21 other providers of funding for the services available from
 22 the state resource centers. The state resource centers shall
 23 not be operated under the net appropriations in a manner that
 24 results in a cost increase to the state or in cost shifting
 25 between the state, the medical assistance program, ~~counties~~, or
 26 other sources of funding for the state resource centers.

27 Sec. 28. Section 222.92, subsection 3, paragraph a, Code
 28 2011, is amended by striking the paragraph.

29 Sec. 29. REPEAL. Sections 222.61, 222.62, 222.65, 222.67,
 30 222.68, 222.69, 222.73, 222.74, and 222.75, Code 2011, are
 31 repealed.

32 Sec. 30. EFFECTIVE DATE. This division of this Act takes
 33 effect July 1, 2012.

34 DIVISION III

35 LEGISLATIVE INTENT AND EFFECTIVE DATES

1 Sec. 31. LEGISLATIVE INTENT — PLANNING.

2 1. The general assembly intends to assign the
3 responsibilities of the state and counties for the costs of
4 services as follows:

5 a. The necessary and legal nonfederal costs and expenses
6 attending the taking into custody, care, investigation,
7 admission, commitment, and support of a person with mental
8 illness admitted or committed to a federal, state, county, or
9 private hospital or facility on or after July 1, 2012, shall be
10 paid by the state.

11 b. The costs of community-based mental health services for
12 adults on or after July 1, 2012, shall be paid by counties.

13 c. The nonfederal share of the costs of state resource
14 centers on or after July 1, 2012, shall be paid by the state.

15 d. The nonfederal share of costs for services, other than
16 those associated with the state resource centers, provided to
17 adults with mental retardation or intellectual disabilities on
18 or after July 1, 2012, shall be paid by counties.

19 e. The costs associated with court-ordered commitments of
20 persons with mental retardation under chapter 222 on or after
21 July 1, 2012, shall be paid by the state.

22 2. The department of human services shall work with
23 representatives designated by the Iowa state association
24 of counties, service providers, and service consumers and
25 advocates to develop plans to implement the provisions of
26 this Act, including formulating recommendations for statutory
27 changes, funding provisions, and other measures to implement
28 the intent expressed in subsection 1. In addition, the plans
29 and recommendations shall also provide for development and
30 funding of a subacute level of care to address behavioral and
31 mental health needs of children and adults. The department
32 shall report the plans and recommendations to the governor and
33 general assembly on or before December 15, 2011.

34 3. The office of the citizens' aide shall consult with
35 stakeholders in reviewing the role, funding, and appropriate

1 administrative entity for mental health advocates currently
2 appointed under section 229.19. The office shall submit
3 a report with findings and recommendations to the general
4 assembly and governor on or before December 15, 2011.

5 Sec. 32. EFFECTIVE DATE. This division of this Act takes
6 effect upon enactment.

7 EXPLANATION

8 This bill revises state and county responsibilities for
9 adult mental health, mental retardation, and developmental
10 disabilities services effective July 1, 2012. The bill is
11 organized into divisions.

12 MENTAL HEALTH COMMITMENT AND FACILITY COSTS. This division
13 provides for the state to pay necessary and legal nonfederal
14 costs and expenses attending the taking into custody, care,
15 investigation, admission, commitment, and support of a person
16 with mental illness admitted or committed to a federal, state,
17 county, or private hospital or facility on or after July
18 1, 2012. Current law requires counties to pay capped per
19 diem rates for the services at the four state mental health
20 institutes and the nonfederal share of other noninstitutional
21 mental health services provided to adults with legal settlement
22 and for the state to pay for children's services and state
23 cases for adults with mental illness.

24 Provisions in Code chapter 218, relating to the state
25 institutions controlled by the department of human services,
26 are amended to provide that certain excess moneys from state
27 institution patient wages and accounts are to be paid to the
28 department instead of counties. A similar provision in Code
29 section 226.45 is also amended.

30 Code section 226.9C, relating to operation of the dual
31 diagnosis mental health and substance abuse program at the
32 state mental health institute at Mount Pleasant on a net
33 budgeting basis, is amended to strike a reference to a section
34 repealed by the bill.

35 Code section 230.1, relating to the liability of the state

1 and counties for the costs and expenses of adults and children
2 with mental illness committed to facilities, is amended to
3 provide for the state to pay these costs on or after July
4 1, 2012. For costs incurred before that date, the payment
5 responsibility is determined by the provisions repealed by the
6 bill. These provisions assign the responsibility for persons
7 age 18 and older to the county of legal settlement or to the
8 state when a person has no legal settlement in this state, when
9 the person's legal settlement is unknown, or if the person is
10 under 18 years of age.

11 Code section 230.15, relating to the liability of a person
12 with mental illness and persons liable for that person's
13 support and establishing a limitation on that liability, is
14 amended to also provide for payment to the state. Code section
15 230.16, relating to presumption of accuracy of certificates
16 from the superintendent of a state resource center in actions
17 relating to liability for services, is also made applicable to
18 a statement from a county auditor.

19 Code section 230.17, relating to the authority of the county
20 auditor to compromise a lien for cost liability when in the
21 best interests of the county, is expanded to provide similar
22 authority to the department of human services when it is in the
23 best interests of the state.

24 Code section 230.18, relating to liability of an estate to a
25 county for costs of services provided in a county hospital or
26 home, or in any private hospital or sanatorium, is also made
27 applicable to the state.

28 Code section 230.20, relating to billings to counties for
29 services provided at a state mental health institute and how
30 the billings are computed, is amended to repeal the subsections
31 involving the requirement for counties to be billed for
32 services provided at a state mental health institute and the
33 computation methodology. Subsections relating to crediting of
34 federal payment offsets and authorization for a state mental
35 health institute to provide other services are amended to

1 delete references to county liability for the cost of services.
 2 Subsection 6, requiring the department to provide information
 3 possessed by the department to a county, if such information
 4 is not confidential under law, is modified to apply when the
 5 county is obligated to pay for services provided outside a
 6 state mental health institution or other inpatient setting.

7 Code section 331.424A, relating to the county mental health,
 8 mental retardation, and developmental disabilities services
 9 funds, is amended to prohibit the use of moneys in these funds
 10 to pay for the costs of placement, treatment, or other service
 11 ordered by a court under Code chapter 812. This Code chapter
 12 relates to the confinement of persons accused of a crime who
 13 may be incompetent to stand trial.

14 The following Code sections are repealed by the division:
 15 section 230.2, relating to finding of legal settlement; section
 16 230.3, relating to certification of legal settlement; section
 17 230.4, relating to certification of legal settlement to a
 18 debtor county; section 230.5, relating to state cases; section
 19 230.6, relating to investigation of legal settlement by the
 20 department; section 230.9, relating to changing a state case to
 21 a county of legal settlement case; section 230.10, requiring
 22 all legal costs and expenses relating to state hospital
 23 placements to be charged to the county of legal settlement;
 24 section 230.11, providing a standing appropriation to repay
 25 counties for state cases; section 230.12, requiring the state
 26 and counties to resolve legal settlement disputes using a
 27 procedure in Code section 225C.8; section 230.20, providing for
 28 computation of charges and billings to counties for services
 29 provided at a state mental health institute; and section
 30 230.22, relating to financial penalties for counties who pay
 31 the billings late.

32 STATE RESOURCE CENTERS. This division provides for the
 33 state to assume responsibility for the cost of services
 34 provided at the state resource centers and the costs of
 35 court-ordered commitments effective July 1, 2012. Current

1 law requires counties to pay capped per diem rates for the
2 services. Code chapter 222, relating generally to persons with
3 mental retardation and the state resource centers specifically,
4 is amended.

5 References to county responsibility for the cost of services
6 at the state resource centers, court-ordered commitments, and
7 county of legal settlement determinations are changed to the
8 state, revised, or deleted throughout the chapter. Counties
9 retain current responsibility for services provided to adults
10 with mental retardation outside the state resource centers.

11 The change in legal settlement processes and the shift
12 in responsibilities involving the state resource centers
13 and court-ordered commitments are specifically addressed in
14 the following Code sections: section 222.13, relating to
15 voluntary admissions of adults; section 222.13A, relating to
16 voluntary admissions of children; section 222.31, relating to
17 liability of charges for commitments to placements; section
18 222.49, relating to responsibility for the costs of commitment
19 proceedings; section 222.50, relating to the county of legal
20 settlement's responsibilities for service costs; section
21 222.60, relating to state and county responsibilities for
22 service costs; section 222.63, relating to certifications
23 between counties regarding legal settlement determinations;
24 section 222.70, relating to resolution of legal settlement
25 disputes; section 222.64, relating to state case legal
26 settlement determinations; section 222.70, relating to
27 resolution of legal settlement disputes; section 222.78,
28 relating to the responsibility of parents and others liable for
29 the support of persons placed at a resource center; section
30 222.79, relating to state certification of resource center
31 cost statements; section 222.86, relating to care payments
32 from a special patient fund; and section 222.92, relating to
33 the operation of the resource centers using a net general fund
34 appropriation.

35 The following Code sections are repealed by the division:

1 sections 222.61, 222.62, 222.65, 222.67, 222.68, and 222.69,
2 relating to legal settlement determinations, investigations,
3 charges, and payments; and sections 222.73, 222.74, and 222.75,
4 providing for computation of charges and billings to counties
5 for services provided at a state resource center and financial
6 penalties for counties who pay the billings late.

7 LEGISLATIVE INTENT AND EFFECTIVE DATES. This division
8 states legislative intent as to the change in responsibilities
9 between the state and counties and requires the department
10 of human services to work with representatives designated by
11 the Iowa state association of counties, service providers,
12 and service consumers and advocates to develop plans to
13 implement the bill and intent expressed, including formulating
14 recommendations for statutory changes, funding provisions, and
15 other measures. The department is also required to address
16 implementation of a subacute level of care for children and
17 adults with behavioral and mental health needs. The department
18 is required to report the plans and recommendations to the
19 governor and general assembly on or before December 15, 2011.
20 The office of the citizens' aide is required to review and make
21 recommendations regarding the appropriate role, funding, and
22 administrative entity for mental health advocates generally
23 appointed by the courts and funded by counties. This provision
24 takes effect upon enactment and the remainder of the bill takes
25 effect July 1, 2012.

26 The bill amends numerous Code provisions and other
27 amendments of related provisions will be necessary to fully
28 implement this bill.